

CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT

Notice is hereby given to all interested members of the public that the Horseshoe Bay Board of Adjustment will hold a Public Meeting beginning at 3:00 p.m., on Tuesday, May 28, 2019 in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas. The agenda for the Public Meeting is to discuss and/or act on the following:

1. Call the Meeting to Order and Establish a Quorum
2. Approval of the Minutes of the February 26, 2019 meeting
3. BOA Case No. 2019-02: Request for approval of a 5-foot Variance from the 25-foot front yard setback requirement of Section 14.02.406(b)(3)(A) for Lot No. W27001 of Horseshoe Bay West Plat No. W27.1, on the 800 Block of Mountain Leather /*James Klein, Applicant*
4. BOA Case No. 2019-03: Request for approval of a 4.5-foot Variance from the 15-foot height requirement of Section 14.02.419(b)(1)(B) for Lot No. W29016 of Horseshoe Bay West Plat No. W29.1, also known as 207 Wennmohs Pl. /*Gary Whillock, Applicant*
5. Adjournment



Eric W. Winter, Development Services Dir.

The Board of Adjustment may go into closed session, if necessary and appropriate, pursuant to the applicable section of the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D, on any matter that may come before the Board that is listed on the Agenda and for which a closed session is authorized. No final action, decision, or vote will be taken by the Board on any subject or matter while in closed session. Any action, decision or vote will be taken by the Board only in open meeting.

CITY OF HORSESHOE BAY
BOARD OF ADJUSTMENT
MINUTES OF REGULAR MEETING

February 26, 2019

The Board of Adjustment of the City of Horseshoe Bay held a Regular Meeting in the City Council Chambers at City Hall, #1 Community Drive, Horseshoe Bay, Llano County, Texas, on February 26, 2019, in accordance with the duly posted notice of said meeting.

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered, with the agenda subject and item number shown preceding the applicable paragraph.

1. Call the Meeting to Order and Establish a Quorum:

The meeting was called to order at 3:00 p.m. by Board Chairman David Pope with a quorum of Board members present as follows:

Present

Chairman Jim Babcock
Vice-Chairman Lee Peterson
Board Member Dale Amstutz
Board Member Frank Gracely
Board Member Mike Thuss

2. Approval of the Minutes of the July 17, 2018 Regular Meeting:

Dale Amstutz made a motion to approve the minutes as written, seconded by Lee Peterson. The motion was approved unanimously. (5-0)

3. Discuss, consider, and take action on BOA Case No. 2019-01, a request for approval of a 14-foot Variance in the 25-foot front yard setback requirement of section 14.02.406(b)(3)(A) for Lot No. W21037-A of Horseshoe Bay Plat No. W21.4 on the 900 Block of Sun Ray /SJP Investments, Applicant

Clifford Grubbs explained that the amount of relief he previously requested and was granted by the Board was insufficient to ensure the survival of a heritage tree when constructing a home. He consulted an arborist who recommended additional buffer.

Assistant Planner David Aldridge read a letter from the HSB POA in which it requested denial of the Variance on the grounds of drainage and aesthetics. Board Member Mike Thuss abstained from speaking as a member of the POA, but agreed with their concerns. Board Member Lee Peterson asked Clifford Grubbs if he was aware of drainage issues, and he said he was not.

Mike Thuss asked about his legal liability as a Board Member and the criteria for reaching decisions on requests. Development Services Director Eric Winter briefed him.

Frank Gracely made a motion to approve the Variance as requested, seconded by Lee Peterson. The motion passed by a vote of 4-1, with Mike Thuss voting against.

4. Election of Vice Chairman

Dale Amstutz made a motion to elect Lee Peterson Vice-President of the Board of Adjustment, seconded by Mike Thuss. The motion was approved unanimously. (5-0)

5. Adjournment

Frank Gracely made a motion to adjourn the meeting, seconded by Dale Amstutz. Chairman Jim Babcock adjourned the meeting at 3:25 p.m.

APPROVED this 28th day of May, 2019.

CITY OF HORSESHOE BAY, TEXAS

Jim Babcock, Chairman

ATTEST:

Eric W. Winter, Development Services Director



CITY OF HORSESHOE BAY

MAY 28, 2019

To: Board of Adjustment
Thru: Stan R. Farmer, City Manager
From: David L. Aldridge III, Assistant Planner
Re: BOA Case No. 2019-02: Request for approval of a 5-foot Variance from the 25-foot front yard setback requirement of Section 14.02.406(b)(3)(A) for Lot No. W27001 of Horseshoe Bay West Plat No. W27.1 on the 800 Block of Mountain Leather /*James Klein, Applicant*

The owner is requesting approval of a 5-foot Variance in the 25-foot front yard setback on Lot No. W27001 of Horseshoe Bay West Plat No. W27.1, located on the 800 Block of Mountain Leather. The purpose of the Variance is to allow a single-family home to be built closer to the street to avoid a bluff and a drainage easement that runs through the interior of the lot.

The Board of Adjustment can only grant a Variance after holding a public hearing on the request and finding that:

- a) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land. The applicant states: "Relief from the setback is needed to allow a 2,400 sq. ft. home to be built and not enter the drainage easement." Staff's review found that to be the case.
- b) The Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states: "The Variance is necessary to meet or exceed the minimum square footage requirement for a home on the golf course and will preserve as many trees as possible. "Staff has no issue with this.
- c) The granting of the Variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. The applicant states that: "Minimal encroachment approved by POA." Staff has no issue with this.
- d) The granting of the Variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article. The applicant states that: Variance does not interfere with view or use of right-of-way." Staff has no issue with this.
- e) The granting of the Variance constitutes a minimal departure from this article. The applicant states that: "Only five feet of relief is being requested." Staff has no issue with this.
- f) The subject circumstances or conditions are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property. The applicant states that: "There is a natural bluff and drainage easement for water flow." Staff has no issue with this.

The Horseshoe Bay Architectural Control Committee has approved the Variance. Based on the above review, staff recommends approval of the attached Variance Approval Form.

**Enclosures: Aerial Photo
 Zoning Map
 Site Plan
 Variance Approval Form**

BOA CASE NO. 2019-02

800 BLOCK OF MOUNTAIN LEATHER



REQUEST FOR VARIANCE:
5 FEET FROM THE 25 FOOT
FRONT YARD SETBACK
LOT NO. W27001
HORSESHOE BAY WEST
800 BLOCK OF MOUNTAIN LEATHER

LEGEND

 LOT W27001

Feet
0 50 100



Cartographic Data For General
Planning Purposes Only

Coordinate System:
NAD 1983 StatePlane Texas
Central FIPS 4203 Feet

BOA CASE NO. 2019-02
800 BLOCK OF MOUNTAIN LEATHER



REQUEST FOR VARIANCE:
5 FEET FROM THE 25 FOOT
FRONT YARD SETBACK
LOT NO. W27001
HORSESHOE BAY WEST
800 BLOCK OF MOUNTAIN LEATHER

LEGEND

- | | |
|-------------------------------|-----------------------------------|
| A-1 RECREATIONAL | R-2 TWO-FAMILY RESIDENTIAL DUPLEX |
| CA COMMON AREA | R-4 MULTI-FAMILY RESIDENTIAL |
| R-1 SINGLE-FAMILY RESIDENTIAL | |

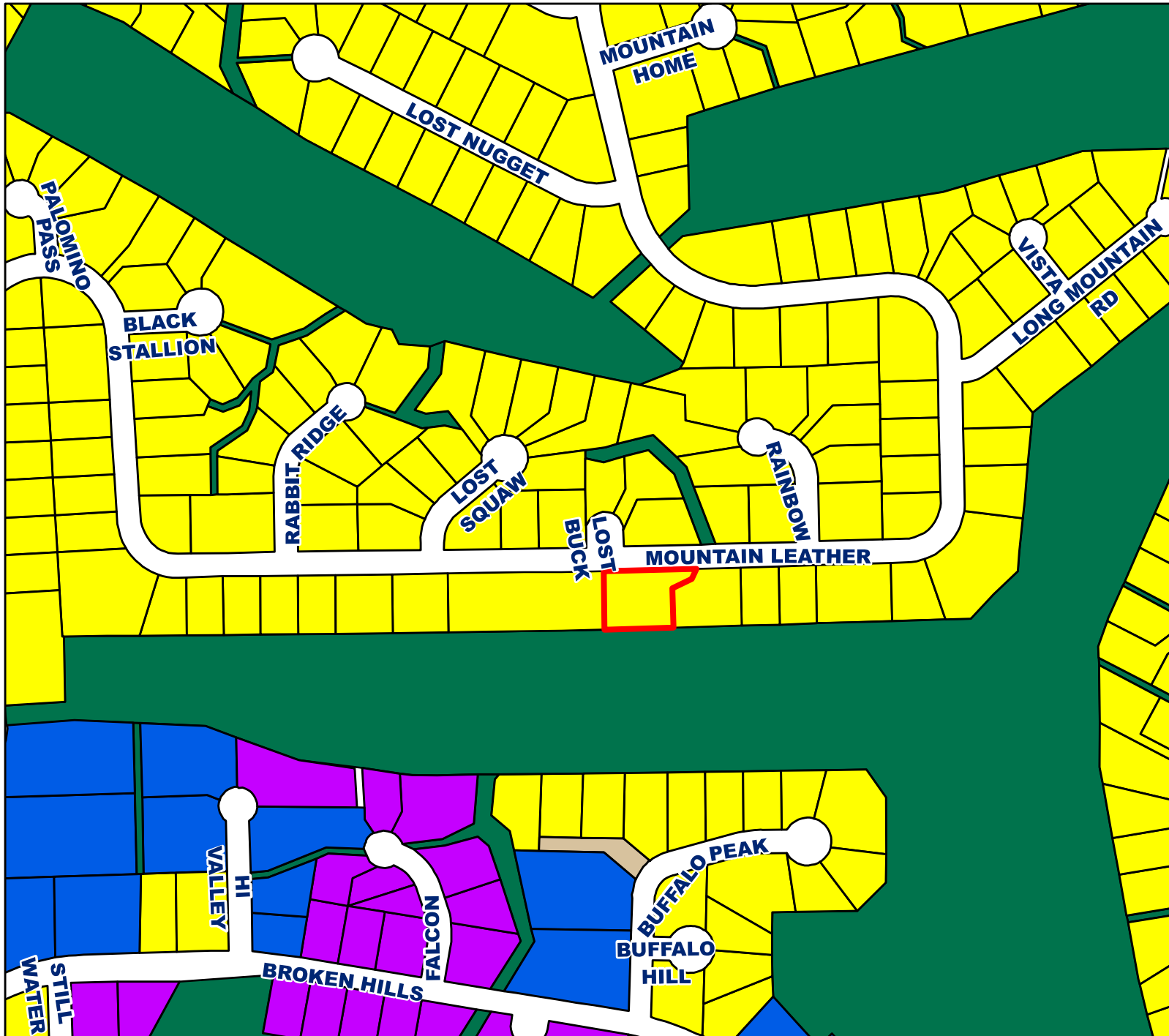
LOT W27001

Feet
0 170 340



Cartographic Data For General
Planning Purposes Only

Coordinate System:
NAD 1983 StatePlane Texas
Central FIPS 4203 Feet



MT. LEATHER
(30' R.O.W.)

(EAST 198.77')
N88°59'14"E 198.77'

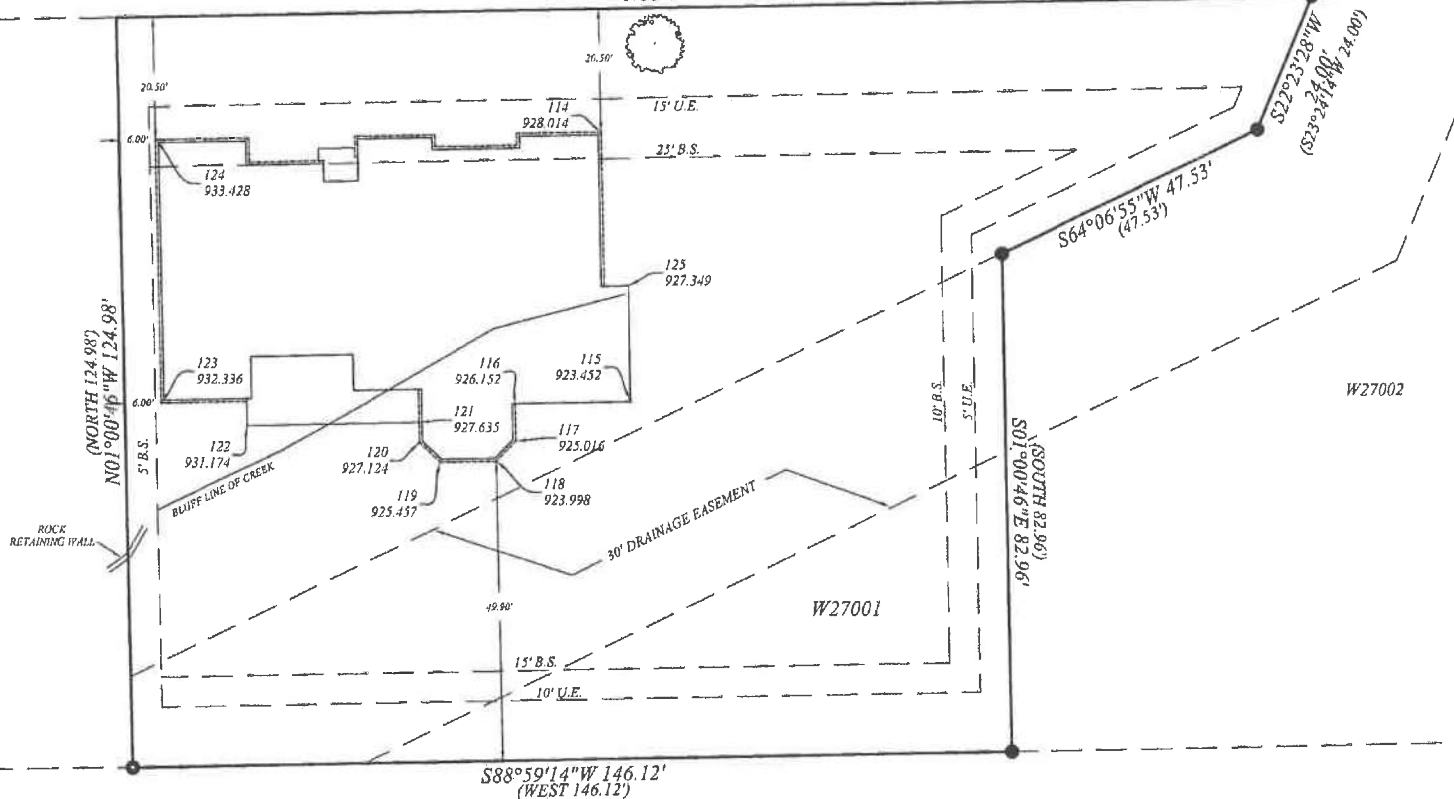
WATER METER



0 20' 40'
SCALE 1" = 20'

NOTE:
THERE SHALL BE A TOTAL SIDE
BUILDING SETBACK OF 15' WITH NOT
LESS THAN 5' ON ANY ONE SIDE.

W28001



ROCK
RETAINING WALL

BUFF LINE OF CREEK

30' DRAINAGE EASEMENT

W27001

W27002

S88°59'14"W 146.12'
(WEST 146.12')

GOLF COURSE

Willis - Sherman Associates, Inc.



LAND SURVEYORS AND PLANNERS
310 MAIN • MARBLE FALLS, TEXAS • 78854
(830) 693-3566 FAX (830) 693-5362
FIRM NUMBER: 10027600

I HEREBY CERTIFY THAT THE PLAT HEREON REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND THAT ALL CORNERS ARE AS DESCRIBED HEREON.

THIS SURVEY WAS MADE FOR THE BENEFIT OF JIM KLEIN

Donald Sherman
DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1877
DATE 8/13/19



STAKE HOUSE ON
LOT W27001
HORSESHOE BAY WEST
PLAT NO. W27.1
VOLUME 6, PAGE 92,
PLAT RECORDS OF
LLANO COUNTY, TEXAS

OFFICE: J. FRAILEY
FIELD: J. MARTINKA

JOB #: 15332



City of Horseshoe Bay
Zoning Variance VA 2019-02

On the 28th day of May, 2019, the foregoing application from James Klein for a Variance with regard to the property described in said application, on Lot No. W27001 of Horseshoe Bay West Plat No. W27.1, otherwise known as being in the 800 Block of Mountain Leather, and the requested 5-foot variance in the 25-foot front yard setback was heard and considered by the Board of Adjustment of Horseshoe Bay, Texas. Said application having been found to be in compliance with all other requirements of the City's Zoning Ordinance and a public hearing having been conducted, is hereby approved and the following findings are made and incorporated into the minutes of the meeting at which the 5-foot Variance from the 25-foot front yard setback requirement of Section 14.02.406(b)(3)(A) was granted to allow a single-family home to be constructed closer to the right-of-way to avoid a bluff and drainage easement that cuts through the interior of the property:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the City's Zoning Ordinance would deprive the applicant of the reasonable use of the land;
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. Granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
4. Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance;
5. Granting of the variance constitutes a minimal departure from the Zoning Ordinance;
6. The subject circumstances or conditions are not self-imposed, based solely on economic gain or loss, or generally affect most properties in the vicinity of the property.

APPROVED on this, the 28th day of May, 2019 by a vote of the Board of Adjustment of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Jim Babcock, Chairman

ATTEST:

Eric W. Winter, Development Services Director



CITY OF HORSESHOE BAY

MAY 28, 2019

To: Board of Adjustment
Thru: Stan R. Farmer, City Manager
From: David L. Aldridge III, Assistant Planner
Re: Case No. 2019-03: Request for approval of a 4.5-foot Variance from the 15-foot height requirement of Section 14.02.419(b)(1)(B) for Lot No. W29016 of Horseshoe Bay West Plat No. W29.1 also known as 207 Wennmohs Pl. /*Gary Whillock, Applicant*

The owner is requesting approval of a 4.5-foot Variance from the 15-foot height requirement for a boat dock Lot No. W29016 of Horseshoe Bay West Plat No. W29.1, located at 207 Wennmohs Place. The purpose of the Variance is to allow a nonconforming boat dock to be reconstructed. The new dock is proposed to be at 19.5 feet tall.

The Board of Adjustment can only grant a Variance after holding a public hearing on the request and finding that:

- a) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of the land. The applicant states: "An update and renovation are needed. The existing structure has rotting issues. The poorly built flat roof does not match the house and is very unpleasant in appearance." Staff has no issue with this.
- b) The Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. The applicant states: "The existing deck needs repair due to decay. The new roof design is aesthetically pleasing and adds value to the property." Staff has no issue with this.
- c) The granting of the Variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. The applicant states that: "The Variance only allows aesthetic changes." Staff has no issue with this.
- d) The granting of the Variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this article. The applicant states that: The Variance is only for reconstruction of what exists." Staff has no issue with this.
- e) The granting of the Variance constitutes a minimal departure from this article. The applicant states that: "The existing structure would have required the same Variance." Staff found this to be the case.
- f) The subject circumstances or conditions are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property. The applicant states

that: “The poor condition and lack of architectural appeal was in place at purchase. This is an effort to repair the dock and match it with the house.” Staff has no issue with this.

The Horseshoe Bay Architectural Control Committee has approved the Variance. Based on the above review, staff recommends approval of the attached Variance Approval Form.

**Enclosures: Aerial Photo
 Zoning Map
 Building Plans/Rendering
 Variance Approval Form**

BOA CASE NO. 2019-03
207 WENNMOHS



REQUEST FOR VARIANCE:
4.5 FEET FROM THE 15 FOOT
HEIGHT REQUIREMENT
LOT NO. W29016
HORSESHOE BAY WEST
207 WENNMOHS PL.

LEGEND

 LOT W29016

Feet
0 45 90



Cartographic Data For General
Planning Purposes Only

Coordinate System:
NAD 1983 StatePlane Texas
Central FIPS 4203 Feet



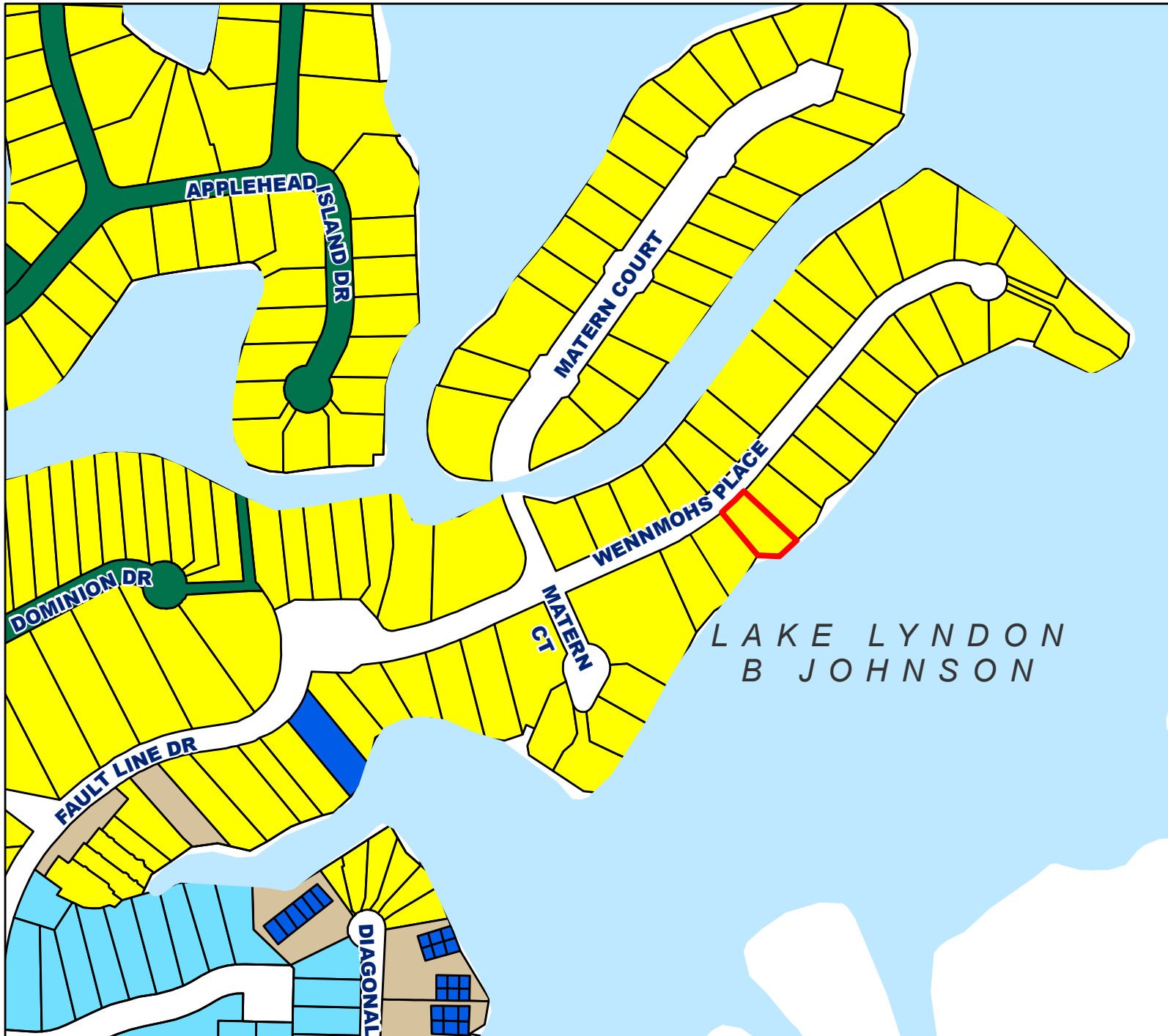
BOA CASE NO. 2019-03
207 WENNMOHS



REQUEST FOR VARIANCE:
4.5 FEET FROM THE 15 FOOT
HEIGHT REQUIREMENT
LOT NO. W29016
HORSESHOE BAY WEST
207 WENNMOHS PL.

LEGEND

- | | |
|-----------------------------|-------------------------------|
| A-1 RECREATIONAL | R-1 SINGLE-FAMILY RESIDENTIAL |
| CA COMMON AREA | R-4 MULTI-FAMILY RESIDENTIAL |
| MU-GH MIXED-USE GARDEN HOME | LOT W29016 |



Feet
0 170 340



Cartographic Data For General
Planning Purposes Only

Coordinate System:
NAD 1983 StatePlane Texas
Central FIPS 4203 Feet

* FITCH NEW ROOF ACCORDINGLY TO
DIRECT WATER OFF DECKS

EXISTING
HOUSE

EXISTING
DECK

NEW PERGOLA STYLE ROOF
OVER EXISTING BOAT DECK

9 FT.

EXISTING BOAT DOCK

WATER LINE

SCALE: 1/4" = 1'-0"

APPROVED

HORSESHOE BAY
ARCHITECTURAL COMMITTEE

BY Signature 1/3/07

~~000000~~ W29016



19'6"

FOUNDATION



City of Horseshoe Bay
Zoning Variance VA 2019-03

On the 28th day of May, 2019, the foregoing application from Gary Whillock for a Variance with regard to the property described in said application, on Lot No. W29016 of Horseshoe Bay West Plat No. W29.1, otherwise known as 207 Wennmohs Place, and the requested 4.5-foot variance from the 15-foot height requirement was heard and considered by the Board of Adjustment of Horseshoe Bay, Texas. Said application having been found to be in compliance with all other requirements of the City's Zoning Ordinance and a public hearing having been conducted, is hereby approved and the following findings are made and incorporated into the minutes of the meeting at which the 4.5-foot Variance from the 15-foot height requirement of Section 14.02.419(b)(1)(B) was granted to allow a nonconforming boat dock to be reconstructed with a height of 19.5 feet:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of the City's Zoning Ordinance would deprive the applicant of the reasonable use of the land;
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
3. Granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
4. Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance;
5. Granting of the variance constitutes a minimal departure from the Zoning Ordinance;
6. The subject circumstances or conditions are not self-imposed, based solely on economic gain or loss, or generally affect most properties in the vicinity of the property.

APPROVED on this, the 28th day of May, 2019 by a vote of the Board of Adjustment of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

Jim Babcock, Chairman

ATTEST:

Eric W. Winter, Development Services Director